

Message Text

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FM AMCONSUL ZANZIBAR

TO SECSTATE WASHDC 0995

INFO AMEMBASSY DAR ES SALAAM

AMEMBASSY LONDON

C O N F I D E N T I A L ZANZIBAR 0183

E.O. 11652: XGDS

TAGS: PINT PINS TZ

SUBJECT: CONVSERATION WITH ZANZIBAR'S ATTORNEY GENERAL

RE TREASON TRIAL

REF: (A) ZANZIBAR 0181 5/16/74 (B) DAR'S 1379 5/3/74

1. CONSUL ON MAY 16 HAD LONG CONVERSATION WITH ATTORNEY GENERAL WOLFANGO DOURADO RE ZANZIBAR TREASON TRIAL. DOURADO WAS IN FAIRLY EXPANSIVE MOOD AND EXPRESSED VIEW THAT, DESPITE OBVIOUS SHORTCOMINGS, CONDUCT OF TRIAL THROUGH SENTENCING WAS VINDICATION OF SORTS FOR ZANZIBAR LEGAL SYSTEM. HE FELT THAT THREE-MAN PEOPLES' COURT DOMINATED BY SNIOR JUDGE AME MOHAMED, HAD PERFORMED JUDICIOUSLY AND, WITH SEVERAL EXCEPTIONS, RENDERED FAIR DECISIONS ON INDIVIDUAL DEFENDANTS, BASED ON SERIOUS EXAMINATION OF EVIDENCE.

2. DOURADO SINGLED OUT MOHAMED FOR SPECIAL PRAISE FOR INDEPENDENCE, STATING THAT EFFORTS TO PRESSURE COURT FOR ADDITIONAL AND HARSHER SENTENCES HAD PERSISTED EVER SINCE PRESENTATION OF PROSECUTION CASE IN FEBRUARY BUT THAT MOHAMED, UNLIKE OTHER TWO JUDGES ON BENCH, HAD CONSISTENTLY RESISTED SUCH PRESSURES AND HAD OVERRULED HIS COLLEAGUES ON KEY POINTS.

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3. DOURADO STATED THAT SUCH EFFORTS CONTINUED EVEN AFTER

ANNOUNCEMENT OF VERDICTS: ON EVENING OF MAY 15, ACCORDING TO HIS ACCOUNT, COL. SEIF BAKARI AND POLICE ASST. COMMISSIONER KHAMIS DARWEISH SOUGHT TO HAVE SOME OF AQUITTALS REVERSED THROUGH PERSONSL INTERVENTION WITH JUMBE. DOURADO SAID THAT HE WAS SUMMONED TO STATE HOOSE AND THAT HE SUBSEQUENTLY PERSUADED JUMBE TO REBUFF THESE EFFORTS.

4. WHAT HAPPENS NEXT? ZANZIBAR LAW PROVIDES FOR PENALTIES UP TO DEATH FOR TREASON, AND UP TO LIFE IMPRISONMENT FOR MISPRISON. DOURADO OFFERED NO SPECIFICS ON EXPECTED SENTENCES FOR INDIVIDUALS BUT STATES THAT PEOPLES' COURT IS WELL AWARE OF OPTIONS IT HAS AND CAN BE EXPECTED TO USE THEM IN PASSING SENTENCE. INFERENCE FROM THIS IS THAT SOME DEATH PENALTIES WILL BE HANDED DOWN BUT THAT MANY DEFENDANTS WILL RECEIVE SENTENCES OF VARYING LENGTHS. THEN ENSUES THREE-PHASE APPEAL PROCEDURE BEGINNING WITH HIGH COURT AND FOLLOWED BY SUPREME COUNCIL AND FIRST VICE-PRESIDENT. APPEALS IN FIRST INSTANCE WILL BE HEARD BY HIGH COURT JUDGE ALI HAJI PANDU WHO IS LIKELY TO BE HEAVILY INFLUENCED BY REVCO MEMBERS WHO WILL SEEK MAXIMIZE PENALTIES AND OPPOSE MITIGATION OF SENTENCES. DOURADO PLANS TO CONCENTRATE HIS EFFORTS ON BEHALF OF REMAINING ACCUSED ON SUBSEQUENT APPEALS TO SUPREME COUNCIL AND PRESUMABLY, ON JUMBE'S OWN FINAL ACTIONS IN INDIVIDUAL APPEALS CASES. ASKED TO GUESS HOW MUCH TIME MIGHT PASS BEFORE ANY SENTENCES WERE CARRIED OUT, DOURADO ESTIMATED BETWEEN 12 AND 18 MONTHS.

5. RESOLUTION OF MATTER BETWEEN ZANZIBAR AND MAINLAND IS OBVIOUSLY COMPLEX SUBJECT WHICH ATTORNEY GENERAL DESCRIBED TO ONE MEMBER OF IRESS COVERING TRIAL AS "FAMILY AFFAIR" TO BE WORKED OUT BY THOSE DIRECTLY CONCERNED. THERE ARE PROBLEMS TO BE FACED, HOWEVER. FOR INSTANCE, MAINLAND GOVERNMENT ON APRIL 18 (REF B) DID IN FACT RELEASE ONE OF ACCUSED IN TREASON CASE, ALI SALIM HAFIDH, WHO WAS FOUND GUILTY HERE MAY 15. THIS COULD PROVE TO BE INTERESTING FIRST TEST OF ZANZIBAR AND MAINLAND MANEUVERING OVER HANDLING OF DETAINEES, AND DOURADO EVEN SUGGESTED THAT THE GUILTY VERDICT HERE MIGHT HAVE BEEN RENDERED ONLY AS TACTIC TO PRESSURE TANGOV TO REARREST HAFIDH. POSITION OF BOTH TANGOC AND GOZ WILL UNDOUBYEDLY BECOME CLEARER ONCE SENTENCING COMPLETED MAY 18.

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